

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 29, 2008

DIVISION ONE

B199734 People (Not for Publication)
v.
Summers

The judgment is reversed and the cause remanded to the trial court to conduct further proceedings as ordered in this opinion.

Rothschild, J.

We concur: Mallano, Acting P.J.
Neidorf, J. (Assigned)

B206161 People (Not for Publication)
v.
Jose R. Fernandez

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

October 29, 2008 (Continued)

DIVISION ONE (continued)

1003690-08

The Honorable **FRANK Y JACKSON**, Associate Justice of the Court of Appeal, Second Appellate District, **Division Seven**, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division One**, as a justice thereof, on the following dates:

December 17, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters. This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

October 28, 2008

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION TWO

B186993 Jenkins et al. (Not for Publication)
v.
McCarthy

The judgment of the trial court is affirmed. Respondent (s) are entitled to their costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (continued)

B205010 Los Angeles County, D.C F S. (Not for Publication)
v.
A.W.

The orders are affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Chavez, J.

B202487 People (Not for Publication)
v.
M.S.

The order appealed from is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Chavez, J.

B202428 People (Not for Publication)
v.
Burgos

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Chavez, J.

DIVISION TWO (continued)

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

B198329 People (Not for Publication)
v.
Carrillo

The appeal is dismissed. The appeal is deemed to be a petition for a writ of habeas corpus. For the reasons stated above, we deny the petition as it fails to establish a prima facie case entitling petitioner to relief.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

B199424 People (Not for Publication)
v.
A.L.

The matter is remanded to the juvenile court with directions to: (1) modify probation condition 16 to state “nor remain in the presence of any person known to him to be unlawfully armed;” and (2) calculate the amount of minor’s predisposition custody credit, including credit to which he is entitled pursuant to the previously sustained petitions. In all other respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Doi Todd, Acting P.J.
Chavez, J.

DIVISION TWO (continued)

B206495 Los Angeles County, D.C F.S. (Not for Publication)
v.
Francisca A.

As mother explains in her request for judicial notice, her appeal is moot.
Accordingly, it is dismissed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
Doi Todd, J.

B196778 Cohen
v.
Burger

Filed order modifying opinion. Petition for rehearing is denied. (No
change in the judgment)

DIVISION THREE

B201723 People (Not for Publication)
v.
Lionel Ray Denson

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
Kitching, J.

DIVISION THREE (continued)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B202912 People (Not for Publication)
v.
Larry James

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B206535 Los Angeles County, D.C F.S. (Not for Publication)
v.
G.D.

The order is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B202490 People (Not for Publication)
v.
G.E.

The order revoking probation and placing appellant in a camp community program for six months is affirmed. The condition of probation that appellant not associate with persons in possession of weapons is modified to read that appellant is not to “associate with anyone he knows or has reason to know has possession of weapons of any kind, including but not limited to: firearms, firearm facsimiles, nunchakus, martial arts weaponry, and knives.”

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B208447 People (Not for Publication)
v.
Gregory Anderson

The judgment is reversed insofar as it imposes a \$20 Government Code section 76104.7, subdivision (a) deoxyribonucleic acid state-only penalty. The judgment is modified to reflect 129 days of custody credit. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION FIVE (continued)

B192892 Lynn Magnadonovan (Not for Publication)
 v.
 City of Los Angeles

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

I concur: Kriegler, J.
I dissent: Mosk, J. (Opinion)

B206226 Los Angeles County, D.C F.S. (Not for Publication)
 v.
 L.H.
 R.M.

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

B208326 Los Angeles County, D.C F.S. (Not for Publication)
 v.
 A.C.
 J.C.

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Kriegler, J.

DIVISION SIX

B206380 Regos (Not for Publication)
v.
Nicoll

The judgment of dismissal is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B207332 Santa Barbara Co. Child Welfare Services (Not for Publication)
v.
L.C., et al.,

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B204599 People (Not for Publication)
v.
Branch

The abstract of judgment contains clerical errors. It erroneously states that the court imposed a one-year term for the service of a prior prison term. (Section 667.5, subd. (b).) It also does not state that the court imposed a one-year term for the personal use of a deadly or dangerous weapon concerning count 2. The trial court shall amend the abstract of judgment to correct these errors, and forward the amended abstract to the Department of Corrections. The judgment is otherwise affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (continued)

B196745 Matthews, as Trustee, etc.
v.
Righetti

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

[illegible]

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B204470 In re J.G. et al., (Not for Publication)
Persons Coming Under the Juvenile Court Law.
Los Angeles County, D.C F.S.
v.
R.G.

The order terminating parental rights is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.

DIVISION EIGHT (continued)

B196182 Andrew Gombiner (Certified for Publication)
v.
Daniel B. Swartz et al.,

The judgment is reversed and the matter is remanded for retrial of respondents Daniel B. Swartz and the Swartz Trust Agreement's cause of action for breach of the lease, and of appellant Andrew S. Gombiner's cause of action for recovery of excess rent. the court shall instruct the jury as to the lawful increases in rent permitted under the Los Angeles Rent Stabilization Ordinance during tenant Andrew S. Gombiner's occupancy of the property while it remained a duplex subject to the ordinance's provisions. The court shall further instruct the jury that any rent increase greater than the amount permitted under the ordinance is unlawful, and thus, uncollectable, regardless of any private agreement or settlement between the tenant and landlord.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.

B197131 William Penrock (Not for Publication)
v.
Lugo Land Corporation

The judgment is affirmed. Respondent is awarded its costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

DIVISION EIGHT (continued)

B197962 Steven J. Ruben (Not for Publication)

v.

Ronald W. Makarem et al.,

The judgment is affirmed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

B196057 Robert Cheenan (Not for Publication)

v.

Countrywide Home Loans, Inc. et al.,

We affirm the trial court's ruling. The plaintiff is to bear the costs of appeal.

Egerton, J. (Assigned)

We concur: Cooper, P.J.
 Flier, J.